

## MESSAGE FROM THE GOVERNOR.

Mr. J. T. Bowman, private secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House:

Executive Office,  
State of Texas.

Austin, Texas, March 4, 1911.  
To the House of Representatives:

I return herewith House bill No. 397, the same being an act to create a more efficient road system for Bosque county, etc.

My objection is to Section 12 of said Act, which reads in full as follows:

"Section 12. The provisions of this Act shall be held and construed to be cumulative of all General Laws of this State on the subject of roads, when not in conflict therewith, but in case of conflict this Act to control, and provided this Act shall not be in operation in Bosque county, unless the commissioners' court thereof, in their judgment, may deem it advisable, and then only by an order of the commissioners' court when all the members are present, made at some regular term thereof, accepting the provisions of this Act. Such order shall be entered on the minutes of said court and shall not be void for want of form, but a substantial compliance with the provisions thereof shall be sufficient; provided, that the commissioners' court at any regular session, after having accepted the provisions of this Act, may annul or vacate said order by which the provisions of this Act were accepted, by duly entering the order vacating or annulling the same upon the minutes of the court, and thereafter this Act shall no longer be in force and effective in said county."

The foregoing provision in the bill seeks to confer discretionary power upon the commissioners' court of Bosque county as to whether said Act shall become effective at all. The Legislature is given authority to pass local laws for the maintenance of public roads and highways, but no authority I have been able to discover is given in the Constitution to the commissioners' court to determine whether an act of the

Legislature of this kind shall become operative.

It is provided in the bill that certain penalties may be incurred by citizens of Bosque county who do not comply with the requirements therein made, and for a violation of the law on the part of a citizen penalties are prescribed by the bill.

The section above quoted not only confers upon the commissioners' court the power of carrying this law into effect, but also seeks to confer upon said commissioners' court authority to suspend or annul said law. This authority the Legislature can not confer upon the commissioners' court. Section 28 of the Bill of Rights is in the following language:

"Section 28. No power of suspending laws in this State shall be exercised except by the Legislature."

It is clear from the foregoing that the Legislature can not confer upon the commissioners' court of Bosque county authority to suspend the statute. The bill is, therefore, returned to the House of Representatives and objected to on the grounds above stated.

Respectfully yours,  
O. B. COLQUITT,  
Governor of Texas.